

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EDWARD L. WILLIAMS,

Petitioner,

v.

SUMMIT COUNTY PROSECUTOR,

Respondent.

) Case No.: 5:11 CV 1371
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JUDGE SOLOMON OLIVER, JR.

MEMORANDUM OF OPINION
AND ORDER

On July 6, 2011, Petitioner *pro se* Edward L. Williams filed the above-captioned Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. Petitioner is incarcerated at the Lorain Correctional Institution, having been convicted of Theft and Tampering with Records.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. In addition, a petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

Petitioner sets forth the following Grounds for Relief: 1) “collateral estoppel;” 2) lack of jurisdiction; 3) the prosecutor had Petitioner’s expungement from 1969 placed in the Akron Beacon Journal the day before trial; 4) no hearing was held by an independent judge on Petitioner’s claim of prosecutorial misconduct; and 5) his counsel rendered ineffective assistance.

It is evident on the face of the Petition that Petitioner has not exhausted his state court remedies, as he explicitly states he has not completed his direct appeal, nor has he pursued any postconviction challenges to their conclusion. The Petition is thus premature.

Accordingly, the Petition is denied and this case is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28

U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

September 27, 2011